IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT APPEAL NO : 1115 of 2001

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 12/12/2000 in WA NO : 11133 OF 1999 on the file of the High Court.)

Between:

1 The Singareni Collieries Co.Ltd., Kothagudem, Khammam Dist.,

rep. by its Chairman and Managing Director.
2 The Director (Technical), Singareni Collarieries Co. Ltd.,

Kothagudem, Khammam District.
3 SK. Vig. Director, (Technical), Singreni Collieries Co. Ltd.,

Kothagudem, Khammam Dist.

..... APPELLANTS

AND

D. Radhakrishna Rao, S/o. D. Venkat Rao Occ; General Manager (safety) S.C. Co.Ltd, Kothagudem Region, Khammam Dist.

.....RESPONDENT

Counsel for the Appellant: MR.K.SRINIVASAMURTHY

Counsel for the Respondent : MR.R.N.REDDY

The Court made the following

JUDGMENT:(per the Hon'ble Sri Justice Bilal Nazki.J)

Heard learned counsel for the parties.

It appears that the respondent retired from service of the appellants after a charge sheet had been issued against him. The appellants wanted to continue with the enquiry when the respondent filed W.P.No.11133 of 1999. This writ petition was decided by a learned Single Judge of this Court on 12.12.2000. The learned Single Judge found that the enquiry could not be conducted against an employee, who had retired from service, in the absence of any specific Rule, which could entitle the management to proceed with the enquiry after retirement. The learned Single Judge noted that there are no Rules governing the writ petitioner, which would make him amenable to an enquiry even after retirement.

Learned counsel appearing for the appellants submits that this was a mistake, which perhaps was not brought to the notice of the learned Single Judge while he decided the matter.

In fact, Rule 34.2 of Singareni Colleries Conduct, Discipline and Appeal Rules, 1989 empowered the management to conduct an enquiry even after

retirement. Since the learned Single Judge did not take note of this Rule, as it was not brought to his notice, therefore, we are of the view that the matter needs to be reheard. The order of the learned Single Judge is set aside. The matter is remanded back and the same be placed before the appropriate learned Single Judge for decision on merits.

The writ appeal is accordingly allowed. No order as to costs.

(BILAL NAZKI.J)

(S. ANANDA REDDY.J)

Dated: 25.10.2004

ksld

To

1. The Chairman & Managing Director, The Singareni Colleries Company Ltd., Kothagudem, Khammam Dist.
2. The Director (Technical), Siongareni Colleries Company Ltd., Kothagudem, Khammam Distr.
3. Sk. Vig. Director (Technical), Singareni Colleries Company Ltd., Kothagudem, Khammam District.
4. Two CD copies.